

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (E 3338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.

Application 00-11-038
(Filed November 16, 2000)

Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan (U 39 E).

Application 00-11-056
(Filed November 22, 2000)

Petition of THE UTILITY REFORM NETWORK for Modification of Resolution E-3527.

Application 00-10-028
(Filed October 17, 2000)

William Ahern, Janet Beautz (for Santa Cruz County Board of Supervisors), Charlie Betcher, Robert J. Boileau, William Burns, Alvin Colley, James Crettol, Michael Gallo, Dave Hennessy, Dennis Herrera, Nettie Hoge, Walter Johnson, Fred Keeley, Reggie Knox, William Knox, Bruce Livingston, Elizabeth Martin, Barbara McIver, Robert Meacher, Deidra O'Merde, Elizabeth Sholes, Mary Frances Smith, Ladan Sobhani, Peter Van Zant, Mary Ann Woormer, and Carl Zichella,

Complainants,

vs.

Pacific Gas and Electric Company,

Defendant.

Case 02-02-027
(Filed February 27, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME TO RESPOND TO ANY APPLICATIONS
FOR REHEARING OF Decision 02-09-045**

Decisions (D.) 02-09-045 was adopted by the Commission at the meeting of September 19, 2002, and mailed to the parties on September 20, 2002. The decision clarified D.02-02-052 which in turn construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 (AB1X) of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Pub. Util. Code § 1731, and added Pub. Util. Code § 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within ten days after the date of issuance of the decision. Accordingly, applications for rehearing of D.02-09-045 were due ten days after the issuance of those decisions. D.02-09-45 was issued on September 20, 2002, and thus any application for rehearing would have been due on September 30, 2002. Pacific Gas and Electric Company filed an application for rehearing of this decision on September 30, 2002.

Section 1731(c) also requires the Commission to "issue its decision and order on rehearing within 20 days after the filing of that application." In order to issue decisions and orders on rehearing of D.02-09-045 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on October 17, 2002.

Pursuant to Rule 86.2 of the Commission's Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until October 15, 2002, two days before the October 17, 2002 Commission meeting. Therefore, so that the Commission may consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,¹ the time for filing a response to any application for rehearing shall be shortened to October 8, 2002. Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before October 8, 2002. Any response shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any applications for rehearing of Decision 02-09-045 that may be filed shall be shortened. Any party filing responses to such applications for rehearing shall file the responses on or before October 8, 2002, and shall serve the responses in the manner specified above.

Dated October 3, 2002, at San Francisco, California.

¹ See Rule 86.2 of the Commission's Rules of Practice and Procedure.

/s/ ANGELA MINKIN

Angela Minkin, Assistant Chief
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of D.02-09-045 on all parties of record in this proceeding or their attorneys of record.

Dated October 3, 2002, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.